

### **REMARKS**

Further to the Amendment filed on April 26, 2011, Applicants are filing this Supplemental Amendment. This Supplemental Amendment adds new claims 15-16 and includes a figure to help illustrate one embodiment of the present invention. Applicants respectfully request that the Examiner consider the remarks given in both the Amendment filed on April 26, 2011 and this Supplemental Amendment. Applicants have attempted to eliminate as much repetition as possible.

### **Status of the Claims**

Claims 8-10 and 12-16 will be pending in the above-identified application upon entry of the present amendment. Claims 15-16 have been added. Support for new claims 15-16 can be found in the present specification, *inter alia*, at paragraphs [0018]-[0019]. Thus, no new matter has been added. Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

### **Issues under 35 U.S.C. § 103(a)**

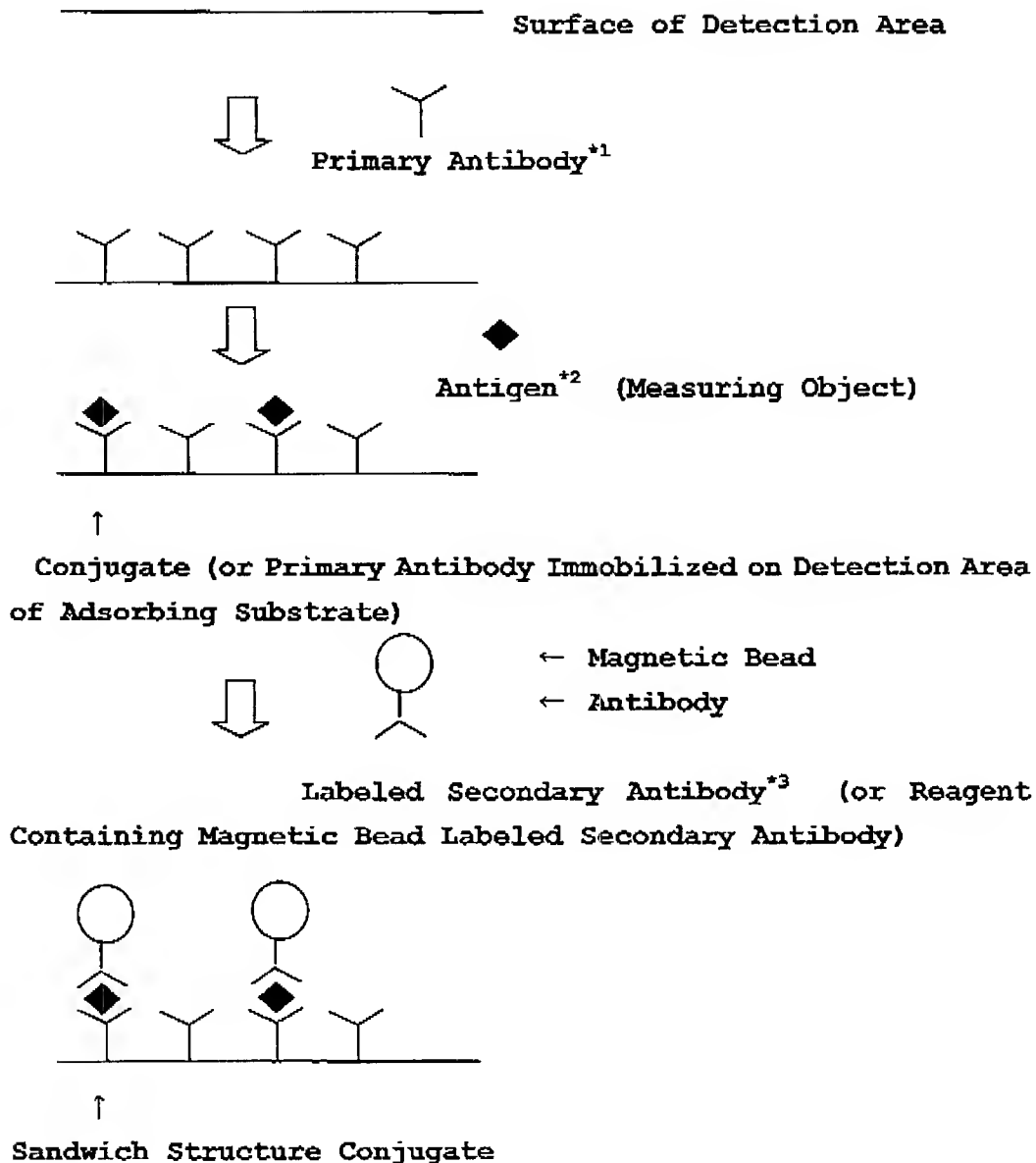
1) Claims 1, 4, 6, and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Josephson et al. '029 (US 2003/0092029) in view of Rohr '970 (US 5,445,970) and further in view of Thompson '304 (US 2003/0190304).

2) Claims 5, 7, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Josephson et al. '029 in view of Rohr '970 and Thompson '304 and further in view of Foster '879 (US 4,444,879).

Applicants respectfully traverse. Reconsideration and withdrawal of these rejections are respectfully requested based on the following considerations as well as the remarks given in the Amendment filed on April 26, 2011.

### **The Present Invention**

The invention of claims 8 and 12 is illustrated in the figure below.



**Note \*1:** The primary antibody is immobilized on a detection area, and then the unreacted primary antibody is washed away.

**Note \*2:** The antigen is reacted with the immobilized primary antibody so as to form a conjugate.

**Note \*3:** Although a spacer is not shown in the figure, there is the spacer between the magnetic bead and the antibody. The labeled secondary antibody in which the antibody is coupled to the magnetic bead via the spacer is reacted with the conjugate so as to form a sandwich structure conjugate. The unreacted labeled secondary antibody is washed away.

**New Claims 15-16**

Claims 15-16 have been added for the Examiner's consideration. Applicants respectfully submit that claims 15-16, which depend from independent claim 8, are allowable for the reasons given in the Amendment filed on April 26, 2011. In addition, claims 15-16 recite further limitations which are not disclosed or made obvious by the cited references.

**Conclusion**


All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink, Registration No. 58,258, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: MAY 16 2011

Respectfully submitted,

By  #32,881  
Gerald M. Murphy, Jr.  
Registration No.: 28,977  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000